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Filing date: **08/07/2006**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92044758
Party	Plaintiff ECOLAB INC. ECOLAB INC. 370 WABASHA STREET N. ST PAUL, MN 551021340
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Submission	Motion to Extend
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Date	08/07/2006
Attachments	2006 08 07 Mot for Ext of Discovery and Trial Dates.pdf (3 pages)(28062 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Ecolab Inc.,)	Cancellation No. 92044758
)	
Petitioner,)	Mark: ECOSENSE
v.)	
)	Registration No.: 2,371,074
Melaleuca, Inc.,)	
)	Registration Date: July 25, 2000
Respondent.)	
<hr/>		Filing Date: August 30, 1999

MOTION FOR AN EXTENSION OF DISCOVERY AND TRIAL DEADLINES

Ecolab Inc. ("Ecolab") requests the Trademark Trial and Appeal Board extend all discovery and trial deadlines in this proceeding by 60 days. The close of discovery is currently scheduled for August 6, 2006. This motion is timely filed as August 6, 2006, fell on a Sunday. Ecolab seeks an extension to allow the parties to again fully explore settlement, and if unsuccessful, take meaningful discovery. Ecolab's counsel attempted to contact Melaleuca, Inc.'s ("Melaleuca") counsel to gain their consent, but was unable to timely obtain consent.

Good cause exists for Ecolab's request. Ecolab seeks to reach settlement or, if unsuccessful, obtain discovery from Melaleuca. Ecolab filed the Petition to Cancel on July 22, 2005. The proceedings were suspended until May 8, 2006, for settlement purposes. The proceedings resumed on May 8, 2006, and Melaleuca filed its Answer on June 7, 2006. Ecolab obtained new counsel on May 31, 2006. Ecolab's new counsel now seeks to re-enter into settlement discussions with Melaleuca.

Ecolab's counsel, Heather Kliebenstein, contacted Melaleuca's counsel, Krista Powell, on Friday, August 4, 2006. Ms. Kliebenstein offered a settlement proposal to Ms. Powell and requested an extension on all discovery and trial deadlines in order to proceed with settlement. Melaleuca's counsel responded that they would contact their client regarding the settlement terms

and the requested extension. However, as of the time of filing this motion, Melaleuca's counsel has not responded to the request for extension or settlement proposal.

Given that Ecolab's undersigned counsel has entered into settlement discussions with Melaleuca, and that settlement discussions are ongoing, Ecolab believes an extension is necessary and appropriate. Because settlement has not yet been reached and discovery is set to close August 6, 2006, Ecolab seeks a 60-day extension to allow Ecolab to fully prosecute this proceeding without prejudice.

Respectfully submitted,

ECOLAB INC.

By its Attorneys,

Date: 8-7-06

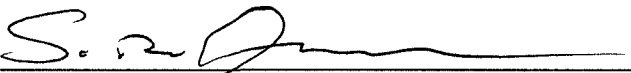


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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing MOTION FOR AN
EXTENSION OF DISCOVERY AND TRIAL DEADLINES was served upon the following
attorney of record for Registrant by First Class Mail, postage prepaid, this 7th day of August,
2006:

Ms. Krista Weber Powell
Traskbritt, P.C.
230 South 500 East, Suite 300
P.O. Box 2550
Salt Lake City, Utah 84110



Scott W. Johnston